

**Comments to the Federal Communications Commission
From the National Consumers League
In the Matter of
Amendment of the Commission's Rules to Facilitate the Use of
Cellular Telephones and other Wireless Devices Aboard Airborne Aircraft
WT Docket No. 04-435
May 13, 2005**

Introduction

The National Consumers League (NCL) is a nonprofit organization founded in 1899 to protect and promote social and economic justice for consumers and workers in the United States and abroad. NCL welcomes the opportunity to provide comments to the Federal Communications Commission (FCC) on its proposal to lift the ban on the use of cellular telephones and similar devices aboard airplanes.

In preparation for these comments, NCL and the Association of Flight Attendants – CWA commissioned a public opinion survey. The telephone survey of 702 air passengers, conducted by Lauer Research, Inc. between March 28 and April 2, 2005, clearly shows that most people, even business travelers, are opposed to in-flight use of cell phones. The survey is available at www.nclnet.org/advocacy/utilities/cellphonesurveytopline.pdf and related charts are at www.nclnet.org/advocacy/utilities/cellphonesurveycharts.pdf.

In answer to the basic question, “Do you prefer to keep the in-flight cell phone ban in place or do you think the government should allow people to use cell phones in flight,” 63 percent of respondents said the ban should be kept; only 23 percent said that cell phone use should be allowed. This contradicts the FCC’s contention that there is high demand for cell phone use in flight – at least among passengers. When questioned about the potential impact on the safety, security, comfort, and orderly management of air travel if cell phone use is allowed, even more respondents said the ban should be kept.

While some airlines, equipment manufacturers, and telecommunications providers might profit if the ban is lifted, the traveling public would suffer. Therefore, NCL urges the FCC to keep the ban firmly in place.

Airline safety is paramount

As the FCC points out in the Notice of Proposed Rulemaking adopted on December 15, 2004, the ban on using cellular telephones and similar devices in flight was originally imposed because of concern that their signals could interfere with aircrafts' navigational and communications systems. Air travelers share that concern. When informed that pilots have reported numerous incidents of planes experiencing navigational and communications problems, possibly as a result of personal electronic devices being used in flight, 87 percent of the respondents in our survey said that the ban should be kept.

The FCC acknowledges that the Federal Aviation Administration (FAA) and a Federal Advisory Committee of technical experts, the RTCA, are currently studying the impact of cell phones and similar devices on aircraft navigation and safety, and that the RTCA has not yet made a recommendation to the FAA in that regard. It is premature for the FCC to move ahead on any proposal to change the rules regarding use of such devices in flight before the FAA has completed a thorough study and drawn its own conclusions. Eighty-four percent of our survey respondents said that it is too soon for the government to lift the ban pending the FAA's study. Obviously, if the FAA concludes that use of such devices is not consistent with aviation safety, the FCC should take no further action on the ban.

Another safety-related issue, one which the FCC failed to consider in its proposal, is the ability of the crew to give passengers life-saving instructions in the event of an emergency. The use of cell phones would undoubtedly distract passengers from hearing and heeding important safety instructions. Seventy-eight percent of the people we surveyed said that the ban should be kept because of this concern.

Airline security could be jeopardized if the ban is lifted

The FCC posits that allowing the use of cell phones and similar devices would promote homeland security by making it easier for emergency responders and other public safety personnel to engage in direct air-to-ground communications. The FCC fails to mention another possibility – that terrorists onboard planes might use cell

phones to coordinate attacks, such as missile strikes, with accomplices on the ground, or to execute a hijacking plan. When presented with the possibility of coordinating attacks, 82 percent of our survey respondents said the ban should be kept. Responding to the potential for cell phones to be used by hijackers, seventy-eight percent said the ban should be kept.

Flying would become even more tense and uncomfortable

As airline security has increased, flying has become much more tense. It now requires checked luggage to be scrutinized, standing in long security lines, presenting boarding passes and identification to go through security, removing shoes and other articles of clothing, removing certain items from carry-on bags for inspection, refraining from carrying certain items onboard – and in some cases, extra restrictions such as the ban on leaving one's seat the within 30 minutes of leaving or arriving at the Reagan National Airport in Washington. Once aboard, passengers struggle to find room for their luggage and squeeze into their seats. Other passengers surround them in close proximity, sometimes for several hours.

The prospect of listening to the ring tones and cell phone conversations of one's fellow passengers is very unappealing. When asked about the potential for in-flight cell phone use to make planes uncomfortable and be disruptive to passengers trying to read or nap, 82 percent of the survey respondents said the ban should be kept.

It is not only passengers that would find cell phone rings and conversations stressful and difficult to deal with. Flight attendants would also have a more difficult time maintaining order and providing services during flights. Seventy-eight percent of our survey respondents said that the ban should be kept to avoid interfering with flight attendants' ability to keep order and carry out their duties.

Convenience is not as important as security, safety, comfort, orderly management of flights

Returning to the FCC's argument that the ban should be lifted to meet public demand, the survey does not demonstrate that such demand exists. Only 29 percent of respondents said that they would be more supportive of allowing use of cell

phones in-flight if it was to assist business travelers, and nearly half said that this reason would make them less supportive of lifting the ban. Even among frequent business travelers, only 35 percent said that this reason would make them more supportive of lifting the ban.

Other reasons for lifting the ban were also unconvincing: 39 percent of respondents said they would be more supportive of lifting the ban if it made in-flight calls cheaper; 48 percent if it allowed flyers to communicate with people on the ground; and 58 percent if it facilitated emergency responder communication.

Survey respondents were also asked about the best things and the worse things about lifting the ban. More frequent business travelers cited “Noise/Disruptive/Annoying” (76 percent) as the worse thing than did travelers overall (68 percent), perhaps because it is easier for them to imagine what it would be like if the ban was lifted. Interference with the plane systems came in second, with 21 percent.

In the best things category, the top reason was “Emergencies,” cited by only 28 percent of survey respondents. Much lower still was “Scheduling” (13 percent), “Communication/Stay in Touch,” “Call family/friends” (9 percent), “Conduct business” (seven percent), “Convenience” (six percent), and “Cheaper than air phone” (one percent).

It should be noted that there are already airphones available for people to use aboard planes. In the event of emergencies or pressing business needs, travelers are not without the means of making calls.

The FCC should respect consumers’ desire for peace and quiet

It is surprising that the FCC, which has been so supportive of the right of consumers not to be bothered by telemarketing calls, has proposed rules changes that would subject consumers to even worse annoyance and disruption in the narrow confines of airline passenger compartments. Our survey shows that concern about noise and safety significantly outweighs any desire that consumers may have for the convenience of using cell phones in flight.

While a high percentage of respondents (70 percent) would favor a separate section for cell phone users if the ban were lifted, this is not a workable solution. Unlike trains, which can have separate “quiet” cars, airplanes have one passenger compartment, sections of which cannot be completely blocked from each other. Furthermore, a “cell phone user” section would not resolve the safety and security concerns.

Conclusion

In light of the fact that there is no compelling reason to lift the ban on the use of cell phones and similar devices in flight, and in view of the serious concerns about the negative impact that the use of such devices would have on security, safety, comfort, and orderly management of flights, the FCC should leave the ban firmly in place. Thank you for considering our comments on this important consumer issue.

Respectfully submitted by

A handwritten signature in cursive script that reads "Susan Grant".

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